

REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants wish to thank the Examiner for the notice that claims 10-12 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, second paragraph. The claim has been amended to include inherent language originally in the claim and as such, these claims are believed to be in condition for allowance.

Applicants also wish to thank the Examiner for the notice that claims 13 and 14 would be allowable if rewritten or amended to overcome the objections set forth in the office action. However, Applicants did not find an objection relating to claims 13 and 14 and as such, these claims are believed to be in condition for allowance.

Claims 15-18 stand objected to due to a typographical error. Claim 15 has been corrected.

Claims 10-12 stand rejected under 35 U.S.C. 112, second paragraph as allegedly being indefinite. Applicants have amended claim 10 to include language that was inherent in the claim and as such, Applicants respectfully request withdrawal of this rejection.

Claims 1-9 and 15-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Nagaoka et al. Nagaoka et al. is directed to a broadcasting system and server that enables participation of a large number of widely disbursed viewers in an auction program while attempting to maintain a real time feeling of the program. A broadcast station broadcasts program data of a prerecorded auction program along with report information data and electronic program guide data for the information to be reported to the viewers. The program is multiplexed as broadcast data. When users of the mobile phones input bids, the mobile phones transmit input price information to an external transaction management system. Nagaoka also discloses that the broadcast station, and not the mobile phones 1A or 1B, prerecords an auction

program. (See for example, paragraph 38). In addition, no editing is done by the mobile phones in Nagaoka.

Applicants claim a different method and apparatus from that described in the cited reference. For example, claim 1 requires, among other things, editing, through the mobile terminal, the selected digital broadcast content as received by the mobile terminal and producing mobile terminal edited digital broadcast content, based on digital rights management data. The cited portion of Nagaoka actually refers to FIG. 2 which is, as admitted in the office action, the “broadcast station 2” – it is not the detailed embodiment of the mobile phone 1A or 1B. In fact, the Nagaoka reference does not describe mobile phones 1A or 1B as editing selected digital broadcast content to produce mobile terminal edited digital broadcast content based on digital rights management data as claimed. It appears that only the broadcast station of Nagaoka records digital broadcast content by prerecording the content which is then sent to the mobile station. Accordingly, the claim is in condition for allowance.

In addition, the digital rights management section of Nagaoka (paragraph 72) does not teach the claimed subject matter. The mobile device of Nagaoka does not do editing based on digital rights management data. Instead, Nagaoka describes the digital rights management information being used for access control, e.g., to allow the mobile terminal to participate in the auction. Nagaoka does not describe, among other things, editing, through the mobile terminal, the selected digital broadcast content to produce mobile terminal edited digital broadcast content based on digital rights management data. Accordingly, the claim is believed to be in condition for allowance. As to claim 15, Applicants respectfully reassert the relevant remarks made above with respect to this claim also. As such, this claim is also believed to be in condition for allowance.

As to claim 19, the claim requires, among other things, wirelessly sending at least one of either digital broadcast content capture commands or editing commands by a mobile terminal receiving the commands and capturing or editing by a network element, received digital broadcast content based on the received content capture commands or editing commands. The cited portion of Nagaoka does not teach or suggest this subject matter. It does not appear to mention any capturing and/or editing commands issued by the mobile terminal nor receiving these commands by the network element and the network element capturing or editing broadcast content according to those received capturing or editing commands. Accordingly, Applicants respectfully submit that the claim is in condition for allowance. If the rejection is maintained, Applicants respectfully request a showing by column and line number of where the cited reference teaches the claimed subject matter.

The dependent claims add additional novel and non-obvious subject matter. By way of illustration and not limitation, claim 2 requires that the mobile terminal distributes the mobile terminal edited digital broadcast content to a plurality of other mobile terminals. Nagaoka describes a broadcast station transmitter. The mobile terminals in Nagaoka do not perform the operations set forth in Applicants' claim. Accordingly, this claim is also in condition for allowance. Applicants also respectfully submit that the Nagaoka reference fails to teach the limitations of the other dependent claims as well.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka et al. in view of Ishige. Applicants respectfully reassert the relevant remarks made above and as such, this claim is also in condition for allowance. Moreover, neither reference alone or in combination teaches, among other things, sending the lower bandwidth coded information stream to a mobile terminal and wirelessly sending at least one of the digital broadcast content capture commands and editing commands based on the lower bandwidth coded information

stream. Since the references are silent and do not teach what is alleged, the claim is also in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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